

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JUDY M. GUICE

PLAINTIFF

V.

CIVIL ACTION NO. 1:06CV1

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

OPINION AND ORDER ON MOTION TO DISQUALIFY TRIAL JUDGE

The Court has before it State Farm Fire and Casualty Company's (State Farm) motion [296] to disqualify the trial judge, which I will treat as a motion for recusal. As grounds for this motion, State Farm asserts that it would be improper for me to preside in this action because two of the district court's employees, United State Magistrate Judge John M. Roper and Terri Brown, one of United States District Judge Louis Guirola's law clerks, are potential class members. I have previously recused myself from Judge Roper's and Ms. Brown's cases.

In order to address the concerns raised by State Farm, I have decided that Judge Roper and Ms. Brown will be excluded from membership in the proposed class action the plaintiff is seeking. In the event the proposed class is not certified, this exclusion will be moot, and in the event the proposed class is certified, Judge Roper and Ms. Brown will not be members of the class.

Accordingly, it is hereby

ORDERED

United States Magistrate Judge John M. Roper and Teri Brown are hereby **EXCLUDED** from membership in the proposed class the plaintiff is seeking to have certified; and

That the motion [296] of State Farm Fire and Casualty Company to disqualify the trial judge, treated as a motion to recuse, is hereby **DENIED**.

SO ORDERED this 27th day of February, 2007.

s/ L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge